

12-27-99

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Docket # PF-0519-1 DIV

"Express Mail" mailing label number EL315 486 879 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Assistant Commissioner for Patents, Box PATENT APPLICATION, Washington, D.C. 20231 on December 23, 1999

By:

Printed: Nancy Ramos

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Assistant Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No. 09/078,402, filed on May 13, 1998, entitled HUMAN APOPTOSIS ASSOCIATED PROTEINS.

1. X Enclosed is a copy of the prior application, U.S. application Serial No. 09/078,402, filed May 13, 1998, including the oath or declaration as originally signed.
2. X With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the computer readable form of the "Sequence Listing" for the instant divisional application is identical with that filed for Serial No. 09/078,402, filed May 13, 1998, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. application Serial No. 09/078,402 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3.     Cancel in this application original claims 3, 6, 7, 9-12, 19, and 20 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
4. X The inventors of the invention being claimed in this application are: Jennifer L. Hillman, Neil C. Corley, Karl J. Guegler, Chandra Patterson, and Mariah R. Baughn.

Danielle M. Pasqualone  
Susan K. Sather  
David G. Streeter

Reg. No. 43,847  
Reg. No. 44,316  
Reg. No. 43,168

Please direct all correspondence to:

Legal Department  
Incyte Pharmaceuticals, Inc.  
3174 Porter Drive  
Palo Alto, California 94304

and direct all telephone calls and facsimile transmissions to: Diana Hamlet-Cox, Ph.D.,  
Incyte Pharmaceuticals, Inc., Phone: (650) 845-4639 Fax: (650) 849-8886.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

INCYTE PHARMACEUTICALS, INC.

Date: October 11, 1999

By: Lee Bendekgey  
Lee Bendekgey  
VP, General Counsel/Corporate Secretary

14. X The power of attorney of the prior application is to:

|                        |                 |
|------------------------|-----------------|
| Narinder S. Banait     | Reg. No. 43,482 |
| Adam Warwick Bell      | Reg. No. 43,490 |
| Lucy J. Billings       | Reg. No. 36,749 |
| Michael C. Cerrone     | Reg. No. 39,132 |
| Diana Hamlet-Cox       | Reg. No. 33,302 |
| Colette C. Muenzen     | Reg. No. 39,784 |
| Lynn E. Murry          | Reg. No. 42,918 |
| Danielle M. Pasqualone | Reg. No. 43,847 |
| Susan K. Sather        | Reg. No. 44,316 |
| David G. Streeter      | Reg. No. 43,168 |

     The associate power of attorney in the prior application is to:

- a.      An associate power of attorney is attached.
- b.      Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. X Address all future correspondence to:

INCYTE PHARMACEUTICALS, INC.  
PATENT DEPARTMENT  
3174 Porter Drive  
Palo Alto, California 94304  
Phone: (650) 855-0555, Fax: (650) 849-8886

Date: 23 December 1999 By:

Diana Hamlet-Cox  
Diana Hamlet-Cox  
Reg. No. 33,302  
Direct Dial Telephone: (650) 845-4639

- Inventor(s)  
     Assignee of complete interest  
X Attorney or agent of record  
     Filed under 37 CFR 1.34(a)  
     Registration number if acting under 37 CFR 1.34(a)

I hereby certify that this correspondence is being deposited with the United States  
Postal Service as first class mail in an envelope addressed to: Box Issue Fee, Assistant Commissioner  
for Patents, Washington, D.C. 20231 on October 12, 1999.  
By: [Signature]  
Printed: Nancy L. Glynn

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Hillman et al.

Title: HUMAN APOPTOSIS ASSOCIATED PROTEINS

Serial No.: 09/078,402

Filing Date: May 13, 1998

Examiner: Worrall, T.

Group Art Unit: 1642

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Assistant Commissioner for Patents  
Washington, D.C. 20231

**CERTIFICATE UNDER 37 C.F.R. §3.73(b),  
REVOCATION OF POWER OF ATTORNEY AND  
APPOINTMENT OF NEW ATTORNEYS**

Sir:

The undersigned has reviewed all the documents in the chain of title of the above-identified patent application and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

Incyte Pharmaceuticals, Inc., having a principal place of business located at 3174 Porter Drive, Palo Alto, California 94304, certifies that it is the assignee and owner of the entire right, title and interest in, to, and under the invention described and claimed in the above-identified application by virtue of an Assignment recorded at Reel 9336, Frame 0300, hereby revokes all previous powers of attorney and appoints the following patent attorneys/agents:

**Narinder S. Banait**  
**Adam Warwick Bell**  
**Lucy J. Billings**  
**Michael C. Cerrone**  
**Diana Hamlet-Cox**  
**Colette C. Muenzen**  
**Lynn E. Murry**

**Reg. No. 43,482**  
**Reg. No. 43,490**  
**Reg. No. 36,749**  
**Reg. No. 39,132**  
**Reg. No. 33,302**  
**Reg. No. 39,784**  
**Reg. No. 42,918**

5. X In accordance with 37 CFR 1.63(d), a copy of the originally signed declaration showing applicants' signatures as filed on July 16, 1998, is enclosed.
6. X Amend the specification by inserting before the first line the sentence: "This application is a divisional application of U.S. application Serial Number 09/078,402, filed May 13, 1998."
7. X The filing fee is calculated below:

| Claims                              | Number Filed | Minus | Number Extra | Other Than Small Entity |     | Basic Fee |
|-------------------------------------|--------------|-------|--------------|-------------------------|-----|-----------|
|                                     |              |       |              | Rate                    | Fee | \$760.00  |
| Total Claims                        | 20           | -20   | 0            | x \$18                  |     | \$ 0      |
| Indep. Claims                       | 2            | -3    | 0            | x \$78                  |     | \$ 0      |
| Multiple Dependent Claim(s), if any |              |       |              | + \$260                 |     | \$ 0      |

**TOTAL FILING FEE \$ 760.00**

8. \_\_\_ An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9. X Please charge Incyte Pharmaceuticals, Inc. Deposit Account No. 09-0108 in the amount of \$ 760.00.
- The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Incyte Pharmaceuticals, Inc. Account No. 09-0108.
- A duplicate copy of this Request is enclosed.
10. \_\_\_ New formal drawings are enclosed.
11. X The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on July 21, 1998, at reel 9336/frame 0300.
12. \_\_\_ A preliminary amendment is enclosed.
13. X Also enclosed: Return Postcard, Information Disclosure Statement, List of Cited References (1449), and copy of previously submitted Revocation of Power of Attorney and Appointment of New Attorneys.